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**Notice of Allowability**

Application No.

09/895,499

Examiner

Justin T. Darrow

Applicant(s)

GRUPE, ROBERT R.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 07/07/2005.
2. ☒ The allowed claim(s) is/are 1-3 and 6-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-31 have been presented for examination. Claims 1, 6, 10-12, 19-21, 28, and 29 have been amended and claims 4 and 5 have been canceled in an amendment filed 07/07/2005. Claims 1-3 and 6-31 have been examined.

#### ***Allowable Subject Matter***

2. Claims 1-3 and 6-31 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Claims 1-3 and 6-9; 10; and 11 are drawn to a scanning method, a computer program product embodied on a computer readable medium for scanning, and a scanning system, respectively. The closest prior art, PR Newswire, "F-Secure's Anti-Virus for Firewalls and Anti-Virus for Internet Mail Is Supported by Stonebeat® Securitycluster™ from Stonesoft," discloses a similar method, computer program product embodied on a computer readable medium, and system. However, this reference neither teaches nor suggests that data is partially scanned at the network element if the load on the network element is greater than a predetermined amount. This distinct step explicitly recited in independent claims 1, 10, and 11 renders claims 1-3 and 6-9; 10; and 11, respectively, allowable.

Claims 12-18; 19; and 20 are drawn to a scanning method, a computer program product embodied on a computer readable medium for scanning, and a scanning system, respectively. The closest prior art, Albrecht, U.S. Patent Application Publication No. US2001/0005889 A1, discloses a similar method, computer program product embodied on a computer readable medium, and system. However, this reference neither shows nor motivates that data is partially

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scanned at the network element if the load on the network element is greater than a predetermined amount. This particular step explicitly recited in independent claims 12, 19, and 20 renders claims 12-18; 19; and 20, respectively, allowable.

Claims 21-27; 28; and 29 are drawn to a scanning method, a computer program product embodied on a computer readable medium for scanning, and a scanning system, respectively. The closest prior art, PR Newswire, "F-Secure's Anti-Virus for Firewalls and Anti-Virus for Internet Mail Is Supported by Stonebeat® Securitycluster™ from Stonesoft," discloses a similar method, computer program product embodied on a computer readable medium, and system. However, this reference neither teaches nor suggests that data is partially scanned at the network element if the load on the network element is greater than a predetermined amount. This distinct step explicitly recited in independent claims 21, 28, and 29 renders claims 21-27; 28; and 29, respectively, allowable.

Claims 30 and 31 are drawn to a method for efficient scanning. The closest prior art, PR Newswire, "F-Secure's Anti-Virus for Firewalls and Anti-Virus for Internet Mail Is Supported by Stonebeat® Securitycluster™ from Stonesoft," discloses a similar method. However, this reference neither teaches nor suggests, if the backlog is greater than a predetermined amount, performing a partial scan utilizing a gateway scanner at the gateway. This particular step explicitly recited in independent claim 30 renders claims 30 and 31 allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Stonesoft, "StoneBeat SecurityCluster White Paper," discloses a system for increasing security server throughput capacity
- Stonesoft Corporation, "StoneBeat SecurityCluster™ Manual," Version 2.0, instructs installation of software to increase security server throughput capacity including load balancing

### ***Telephone Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (571) 272-3801, and whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is 571-273-8300. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the


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cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to 571-273-8300 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only "**OFFICIAL FAX**" but also "**AMENDMENT AFTER FINAL**".

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

September 6, 2005

  
**JUSTIN T. DARROW**  
**PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 2100**